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6     A.F.,  
7                 Plaintiff,  
8                 vs.  
9     **UNITED HEALTHCARE,**  
10                Defendant.

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6                 CASE No. 20-cv-08809-YGR  
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8                 **ORDER DENYING MOTION TO DISMISS  
9                 COUNT II OF COMPLAINT**  
10                Re: Dkt. No. 19

11                On December 11, 2020, plaintiff filed this action under the Employee Retirement Income  
12                Security Act of 1974 (“ERISA”) alleging claims for (1) denial of benefits and (2) breach of  
13                fiduciary duty. On February 26, 2021, defendant filed a motion to dismiss Count II of the  
14                complaint under Federal Rule 12(b)(6) for failure to plead distinct remedies from Count I and for  
15                failure to state a violation of the Parity Act. (Dkt. No. 19.) Having carefully considered the  
16                briefing and arguments submitted on the motion, and for the reasons stated on the record at the  
17                April 20, 2021 hearing, the Court **DENIES** defendant’s motion to dismiss. Defendant shall have  
18                until **May 4, 2021** to file its answer to the complaint.

19                This Order terminates Docket Number 19.

20                **IT IS SO ORDERED.**

21                Dated: April 27, 2021

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YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE